

JS 44C/SDNY
REV. 7/2012

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Tortus Capital Master Fund, LP

DEFENDANTS

The Republic of Argentina

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Milberg LLP
One Penn Plaza
New York, NY 10119 - tel. 212-594-5300

ATTORNEYS (IF KNOWN)

Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006 - tel. 212-225-2000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Breach of contract on defaulted bonds issued by Defendant, 28 U.S.C. sec. 1330 (action against foreign state)

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned **Griesa**If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL	SEIZURE OF		[] 450 COMMERCE
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY	21 USC 881	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY		[] 630 LIQUOR LAWS		ENCED & CORRUPT
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT		[] 650 AIRLINE REGS	[] 830 PATENT	(RICO)
[] 152 RECOVERY OF	LIABILITY	[] 370 OTHER FRAUD	[] 660 OCCUPATIONAL	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
DEFAULTED	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 690 OTHER		[] 490 CABLE/SATELLITE TV
STUDENT LOANS	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL		SOCIAL SECURITY	[] 810 SELECTIVE SERVICE
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE		[] 861 HIA (1395ff)	[] 850 SECURITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	LABOR	[] 862 BLACK LUNG (923)	COMMODITIES/
OVERPAYMENT	INJURY		[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	EXCHANGE
OF VETERAN'S			STANDARDS ACT	[] 864 SSID TITLE XVI	[] 875 CUSTOMER
BENEFITS			RELATIONS	[] 865 RSI (405(g))	CHALLENGE
[] 160 STOCKHOLDERS		PRISONER PETITIONS	[] 720 LABOR/MGMT		12 USC 3410
SUITS			[] 730 LABOR/MGMT	FEDERAL TAX SUITS	[] 890 OTHER STATUTORY
OTHER		[] 510 MOTIONS TO	REPORTING &	[] 870 TAXES (U.S. Plaintiff or	ACTIONS
CONTRACT	ACTIONS UNDER STATUTES	VACATE SENTENCE	DISCLOSURE ACT	Defendant)	[] 891 AGRICULTURAL ACTS
CONTRACT	CIVIL RIGHTS	20 USC 2255	[] 740 RAILWAY LABOR ACT	[] 871 IRS-THIRD PARTY	[] 892 ECONOMIC
PRODUCT		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR	26 USC 7609	STABILIZATION ACT
LIABILITY		[] 535 DEATH PENALTY	LITIGATION		MATTERS
[] 196 FRANCHISE		[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC		ENERGY
			SECURITY ACT		ALLOCATION ACT
REAL PROPERTY			IMMIGRATION		FREEDOM OF
[] 210 LAND	[] 441 VOTING		[] 462 NATURALIZATION		INFORMATION ACT
CONDEMNATION	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	APPLICATION		APPEAL OF FEE
FORECLOSURE	[] 443 HOUSING/	[] 550 CIVIL RIGHTS	[] 463 HABEAS CORPUS-		DETERMINATION
RENT LEASE &	ACCOMMODATIONS	[] 555 PRISON CONDITION	ALIEN DETAINEE		UNDER EQUAL
EJECTMENT	[] 444 WELFARE		OTHER IMMIGRATION		ACCESS TO JUSTICE
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH		ACTIONS		CONSTITUTIONALITY
[] 245 TORT PRODUCT	DISABILITIES -				OF STATE STATUTES
LIABILITY	EMPLOYMENT				
[] 290 ALL OTHER	[] 446 AMERICANS WITH				
REAL PROPERTY	DISABILITIES -OTHER				
	[] 440 OTHER CIVIL RIGHTS				
	(Non-Prisoner)				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:DEMAND \$ _____ OTHER _____ JUDGE **Thomas P. Griesa** DOCKET NUMBER **10 Civ. 5338**

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Tortus Capital Master Fund, LP
 c/o Tortus Capital Management LLC
 437 Madison Avenue, 33rd Floor
 New York, NY 10022
 New York County

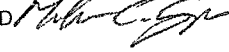
DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Republic of Argentina
 c/o Banco de la Nacion Argentina - Office of the Vice President
 225 Park Avenue
 New York, NY 10170
 New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 5/1/2014 SIGNATURE OF ATTORNEY OF RECORD  ADMITTED TO PRACTICE IN THIS DISTRICT
☐ NO
☒ YES (DATE ADMITTED Mo. 02 Yr. 1978)
 RECEIPT # Attorney Bar Code # MS-8874

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)